KINGSPORT BOARD OF ZONING APPEALS AGENDA

REGULAR MEETING: August 6, 2015

Development Services Building – Bob Clear Conference Room

CALL TO ORDER - 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 15-701-00004 – Property located at 145 Shipp Springs Road, Control Map 300, Group A, Parcel 012.00 requests a non-conforming sign size reduction variance to Sec 114-531(b). The code permits variance relief upon finding that the granting of a variance will reduce the degree of nonconformance of an existing sign. The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Applicant: David Peters, Church Pastor 145 Shipp Springs Kingsport, TN 37660 (423) 343-2241

Representative: Rod Harper

<u>Case: 15-701-00005 – Property located at 4209 Fort Henry Drive, Control Map 092G, Group C, Parcel 052.00</u> requests a 15 foot rear yard variance to Sec 114-195(f)1(e). The code requires a 30 foot rear yard. Additionally, a reduction in building perimeter landscaping is requested to Sec 114-600(d)3(c). The code requires a minimum of 20 percent of required landscaping to be building perimeter plantings for any buildings side fronting an access street. The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: Christopher Ooten 3100 Weigel Lane Powell, TN 37849 (865) 938-2042

Representative: Ryan Estebrooks

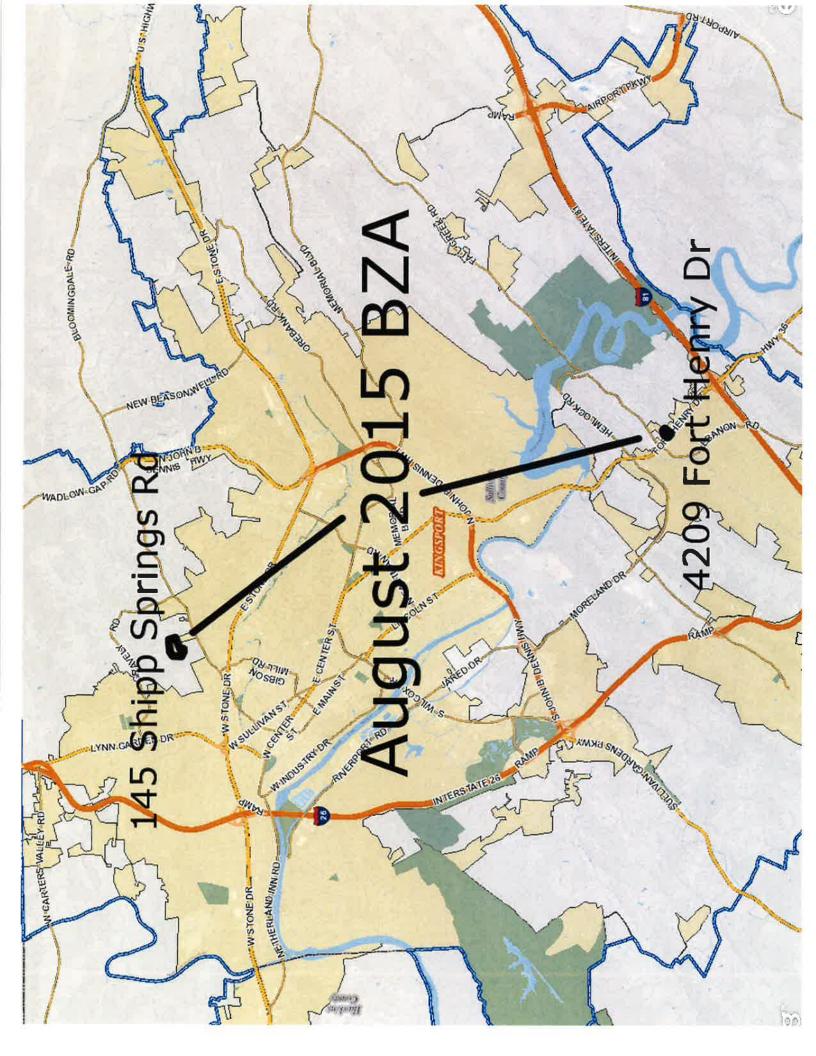
BUSINESS:

Approval of the March 5, 2015 regular meeting minutes and June 4, 2015 called meeting minutes

Stating for public record, the next application deadline is August 17, 2015 at noon, and meeting date (Thursday, September 3, 2015).

Staff Reports: Information on the upcoming MTAS training event scheduled for August 24th from 8:30a.m -12:30p.m.

ADJUDICATION OF CASES: ADJOURNMENT:



MEMORANDUM

TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: July 17, 2015

RE: 145 Shipp Springs Road

The Board is asked to consider the following request:

<u>Case: 15-701-00004 – Property located at 145 Shipp Springs Road, Control Map 300, Group A, Parcel 012.00</u> requests a non-conforming sign size reduction variance to Sec 114-531(b). The code permits variance relief upon finding that the granting of a variance will reduce the degree of nonconformance of an existing sign. The property is zoned R-1B, Residential District.

The maximum freestanding sign allowed in an R-1B District is a subdivision identification sign which can be 32 sq. ft. in size and 5' tall. The proposal here is 50 sq ft, 11'9" tall sign. It is important to note that the variance is associated with accepting less that what is currently in place as opposed to deviating from an established standard.

REGULAR MEETING & PUBLIC HEARING Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for <u>Thursday</u>, <u>August 6, 2015</u> will be conducted beginning at <u>NOON in the Bob Clear Conference Room</u>, on the first floor of the <u>Development Services Building</u>, 201 West Market Street, <u>Kingsport</u>, <u>Tennessee</u>.

A tour of the property will be conducted starting at 10:30a.m. prior to the meeting.

<u>Public Hearing</u>: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

<u>Case: 15-701-00004 – Property located at 145 Shipp Springs Road, Control Map 300, Group A, Parcel 012.00</u> requests a non-conforming sign size reduction variance to Sec 114-531(b). The code permits variance relief upon finding that the granting of a variance will reduce the degree of nonconformance of an existing sign. The property is zoned R-1B, Residential District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee Jim Demming, City Recorder P1T 7/23/15



APPLICATION

Board of Zoning Appeals

APPLICANT INFORMATION:

Last Name Peters

First David

M.J. M

Date 7/13/2015

Street Address 145 Shipp Springs Martment/Unit

(Pastor of Apostolic Lighthouse Church)

City Kingsport

State TN

ZIP

37660

Phone 423.343.2241

E-mail Address

wood60@charter.net

PROPERTY INFORMATION:

Tax Map

Tax map:

Information

Group: Parcel:

Lot:

JINDOONSHOWSEKK

Street Address 145 Shipp Springs Rd.#

Current Zone

Proposed Zone

Current Use

Proposed Use

REPRESENTATIVE INFORMATION:

For Bristol Sign Co., Inc.:

First Rod

M.I.

Date 7/8/2015

Last Name Harper Street

PO BOX 16938 6870 GATE CITY HWY Address

Apartment/Unit #

BRISTOL City

State

VA

ZIP 24209

276.669.0811 Phone

E-mail Address

rharper@bristolsign.com

REQUESTED ACTION:

Variance to Sec. 114-531 (b). - Nonconforming signs.

Combined square footage of existing sign exceeds 68 square feet at 22' high.

The new sign is proposed to be 50 square feet at 11'-9" high. The existing sign is internally illuminated. The new sign will be non-illuminated.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

USTO 7-13-2015

County of

Notary Dent Jewis

My Commission Expires 1-18-2017

CITY PLANNING OFFICE

Received Date:

Application Fee Paid:

Board of Zoning Appeals Meeting Date:

Section of Applicable Code:

Building/Zoning Administrator Signature:

Completed Site Plans Received:

Previous requests or file numbers:

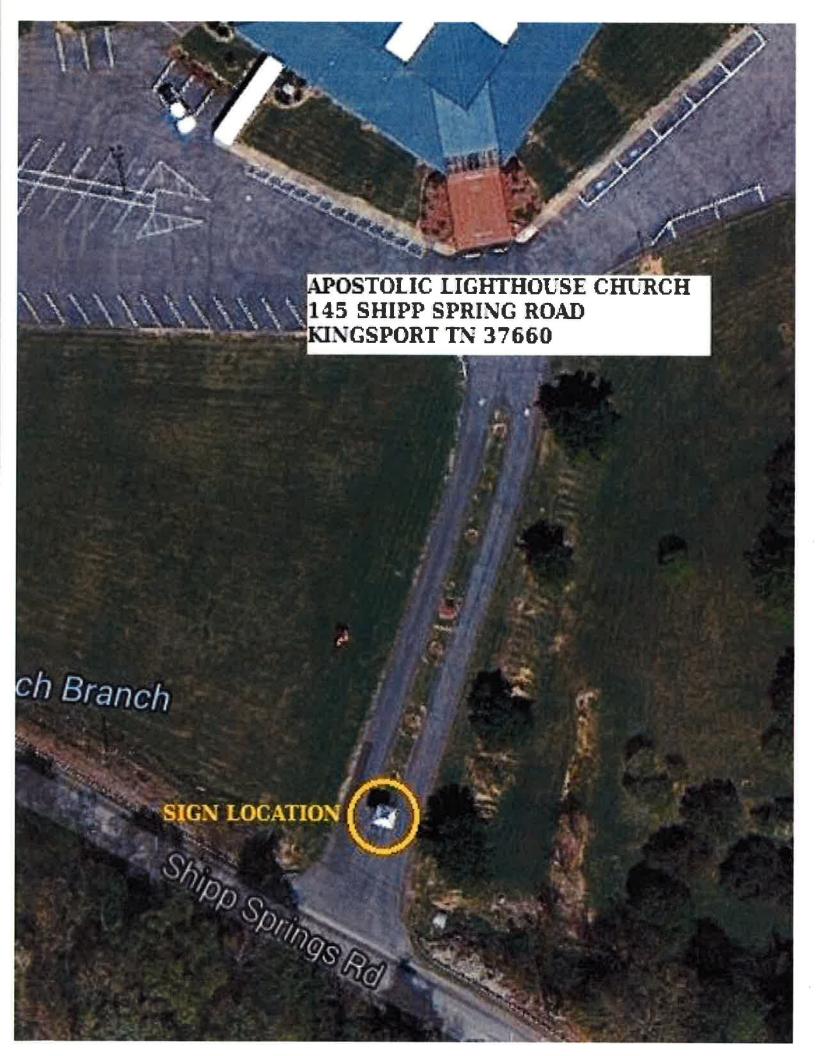
Signature of City Planner:

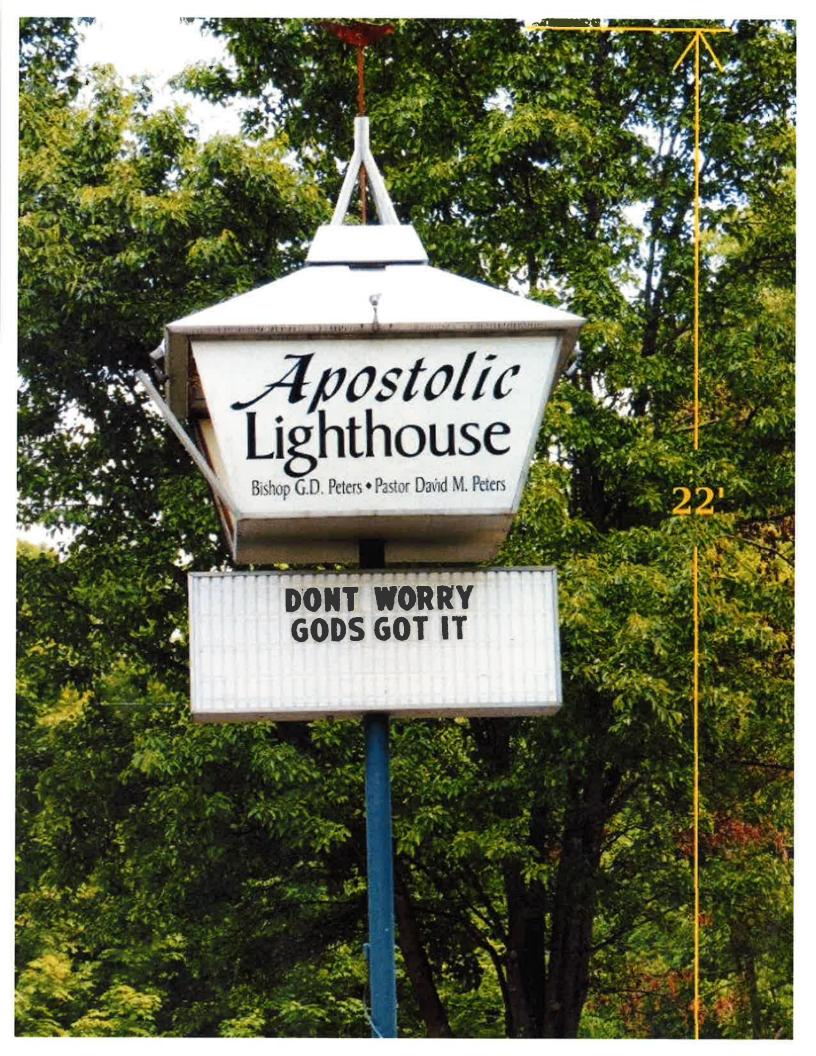
Date:



Received By:

Date:



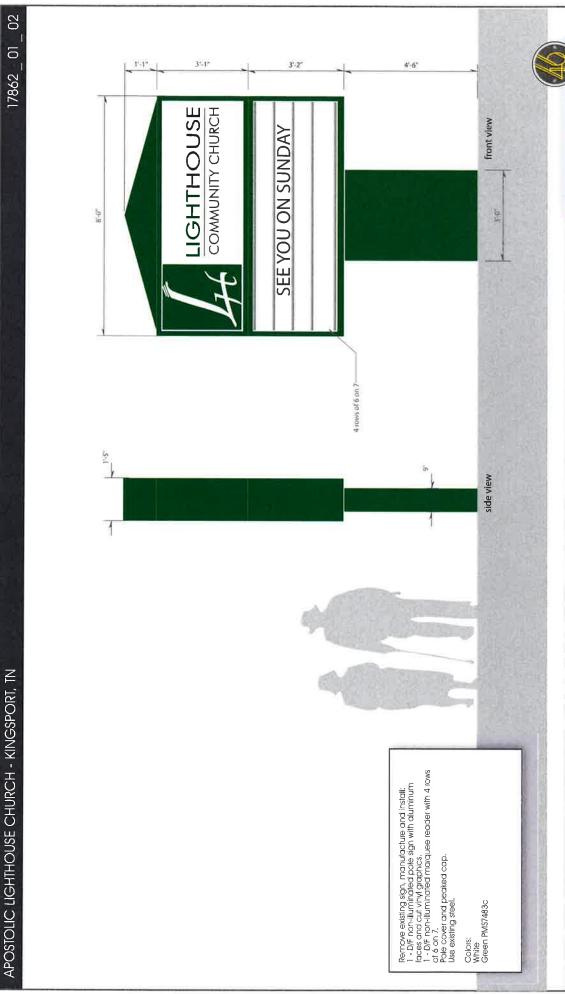




BUSINESS NAME: APOSTOLIC LIGHTHOUSE CHURCH							
BUSINESS ADDRESS: 145 SHIPP SPING RD, KINGSPORT TN 37660							
SIGN CONTRACTOR: BRISTOL SIGN CO.,INC., PO BOX 16938, BRISTOL VA 24209							
Remove existing sign and install FREE-STANDING on existing steel pole and foundation:							
Size: 625 X 8.0	=50	SqFt	Height: 11'-9"	Illuminated: NO			
Sign Material:	Plastic	(Metal)	<u>(Vinyl</u>)	Other:			
UL#			= ₹				
WALL							
Size: X	_=	SqFt	Height:	Illuminated:			
Sign Material:	Plastic	Metal	Vinyl	Other:			
Size:X	_=	SqFt	Height:	Illuminated:			
Sign Material:	Plastic	Metal	Vinyl	Other:			
Size: X		SqFt	Height:	Illuminated:			
Sign Material:	Plastic	Metal	Vinyl	Other:			
UL#							
BEFORE SIGN PERMIT CAN BE APPROVED YOU MUST SUBMIT: FREESTANDING: SITE PLAN SHOWING PROPOSED LOCATION; FOOTING DETAIL: EXISTING SIGNAGE							

DRAWING OF PROPOSED SIGN DESIGN; LOCATION ON

STRUCTURE; EXISTING SIGNAGE



PO BOX 16938 • Bristol • 7/4 • 24202 • 276 669.0811 • 800 736 6180 • Fax 276 669 7120 • www.BristolSign.com • Sales@BristolSign.com • Quality Signs Since 1969 Approval Date: Approved By: Designer, GBG Date: 06-23-15 Scale: 3/4" 11 Skelch Number: 17862 01 02

ALL ARTWORK IS PROPERTY OF BRISTOL SIGN COMPANY, DO NOT REPRODUCE WITH OUT WRITTEN CONSENT FROM BRISTOL SIGN COMPANY, INC. ARTWORK CAN BE PURCHASED SEPARATELY FOR AN ARRANGED PRICE, ACTUAL LAYOUT AND DESIGN MAY VARY ACCORDING TO PRODUCTION DETAILS.



MEMORANDUM

TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: July 17, 2015

RE: 4209 Fort Henry Drive

The Board is asked to consider the following request:

Case: 15-701-00005 – Property located at 4209 Fort Henry Drive, Control Map 092G, Group C, Parcel 052.00 requests a 15 foot rear yard variance to Sec 114-195(f)1(e). The code requires a 30 foot rear yard. Additionally, a reduction in building perimeter landscaping is requested to Sec 114-600(d)3(c). The code requires a minimum of 20 percent of required landscaping to be building perimeter plantings for any buildings side fronting an access street. The property is zoned B-3, Highway Oriented Business District.

An additional consideration for the landscaping variance request is that the applicant proposes relocating the required building perimeter landscaping from the perimeter of the building fronting an access street to the perimeter of the site.

REGULAR MEETING & PUBLIC HEARING Kingsport Board of Zoning Appeals

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A tour of the property will be conducted starting at 10:30a.m. prior to the meeting.

<u>Public Hearing</u>: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

Case: 15-701-00005 – Property located at 4209 Fort Henry Drive, Control Map 092G, Group C, Parcel 052.00 requests a 15 foot rear yard variance to Sec 114-195(f)1(e). The code requires a 30 foot rear yard. Additionally, a reduction in building perimeter landscaping is requested to Sec 114-600(d)3(c). The code requires a minimum of 20 percent of required landscaping to be building perimeter plantings for any buildings side fronting an access street. The property is zoned B-3, Highway Oriented Business District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee Jim Demming, City Recorder P1T 7/23/15

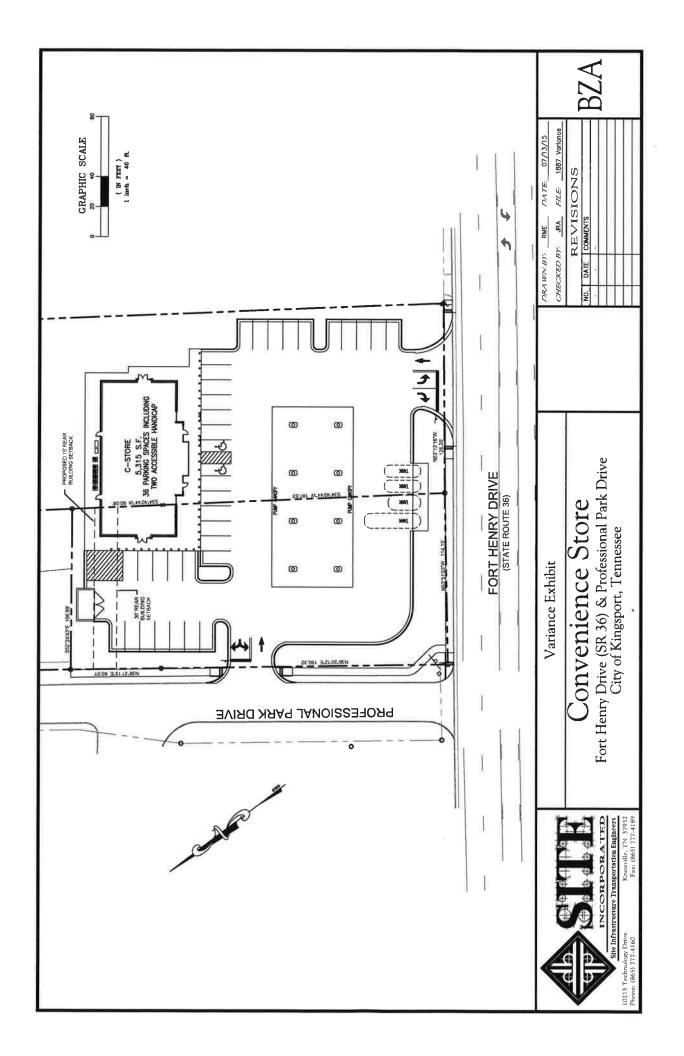


APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:					
Last Name Ooten	First Christopher	M.I.	Date 07/13/15		
Street Address 3100 Weigel Lane	Apartment/Un	Apartment/Unit #			
City Powell	State TN	ZIP 37849	ZIP 37849		
Phone (865) 938-2042	E-mail Address cooten	weigels.com			
PROPERTY INFORMATION:					
Tax Map Information Tax map:	Group: Parcel: 052.00 Lot: 3-R1				
Street Address 4209 Fort Henry Drive		Apartment/Unit #			
Current Zone B-3	Proposed Zone B-3	Proposed Zone B-3			
Current Use Mixed use Commercial	Proposed Use Conveni	Proposed Use Convenience Store			
REPRESENTATIVE INFORMATION:					
Last Name Estabrooks	First Ryan	м.г. М	Date 07/13/15		
Street Address 10215 Technology Dri	ive	Apartment/U	ent/Unit # Suite 304		
City Knoxville	State TN	ZIP 37932	ZIP 37932		
Phone (865) 777-4167	E-mail Address ryan@	E-mail Address ryan@site-incorporated.com			
Relocate building perimeter lan- covers the sidewalk and the large	dscaping to the perimeter of the amount of pedestrian traffic al	ne site due to the boong the front of the	uilding canopy that e store.		
DISCLAIMER AND SIGNATURE			,		
By signing below I state that I have read and und meeting in which the Board of Zoning Appeals we described herein and that I am/we are appealing to	will review my application. I further state th	d have been informed as to lat I am/we are the sole a	nd legal owner(s) of the property		
Signature: Christophin OOLEN	~ MS. FOULT	7000	1/15		



Variance Worksheet - Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- 1) Setback Due to topographic relief along the rear and eastern portion of the property.
- 2) Landscaping A canopy overhangs the front sidewalk and store will have a high volume of foot traffic.
- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.
- 1) Setback Sufficient land area is not adequate for the functionality of the proposed use due to the topographic relief along the rear and eastern portion of the property.
- 2) Landscaping The canopy overhang covering the front sidewalk will not allow sufficient water and sunlight for vegetation.
- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.
- 1) Setback Existing topography of the property.
- 2) Landscaping Prototypical building design.

- d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.
- 1) Setback Site circulation is still safe with the proposed setback variance requested.
- 2) Landscaping The character of the neighborhood is not harmed by relocating the required building landscaping areas to the perimeter of the site.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

- 1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
- 2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
- 3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
- 4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

March 5, 2015, Regular Meeting

Noon

Bob Clear Conference Room, 1st floor of the Development Services Building

Members Present: Leland Leonard, Chairman Frank Oglesby, Vice Chairman Sharon Duncan Bill Sumner

Members Absent Bob Winstead Jr.

Staff Present: Ken Weems, AICP Page Jeffers

Visitors: Jordan Broyles

Chairman Leonard called the meeting to order.

Chairman Leonard explained the meeting procedures.

Chairman Leonard asked Ms. Page Jeffers to conduct the swearing ceremony for the attendees wishing to speak during the meeting. Ms. Jeffers swore in Mr. Jordan Broyles.

<u>Case: 15-701-00002 – Property located at 4222 Fort Henry Drive, Control Map 092J, Group C, Parcel 054.00</u> requests a 68.4 square foot variance for wall sign size allotment to Sec 114-533(8)b. The code permits a maximum of 80 square feet. The property is zoned B-3, Highway Oriented Business District.

Mr. Jordan Broyles presented the case to the board in the form of his revised variance request. Mr. Broyles stated that he had reduced the amount of variance asked for in accordance with the Board's request. Chairman Leonard commented that the Board's main issue with granting the variance, as identified during the February 2015 meeting, is the Dunkin' Donuts cup design proposal on the drive-through side of the building. Chairman Leonard commented that if Dunkin' Donuts was willing to remove the Dunkin' Donuts "DD" portion of the cup design, that the cup design would then become a graphic instead of a logo and not count against wall sign square footage. Mr. Broyles commented that he was willing to make this change, and that removing the "DD" portion of the cup design is an aspect of his sign package that he is completely fine with. Vice Chairman Oglesby asked the Chairman if this action would then bring the Dunkin' Donuts into compliance without the need for variance relief. Chairman Leonard stated that this action would bring the Dunkin' Donuts into compliance without the need for variance relief.

Chairman Leonard then closed the hearing.

Other Business:

On a motion by Bill Sumner, seconded by Sharon Duncan, the Board voted unanimously to approve the minutes of the February 5, 2015 driving tour and regular meeting.

The Board stated for public record the next application deadline is on March 16, 2015 at noon. The next scheduled meeting will be held on April 2, 2015.

Mr. Weems stated that there were no staff reports.

Both the Chairman and Vice-Chairman stated that neither would be available for the scheduled April meeting. Mr. Weems stated that he would notify the Board of any potential agenda items for the April meeting and discuss any schedule changes with the Chairman as necessary.

Adjudication of Case:

<u>Case: 15-701-00002 – Property located at 4222 Fort Henry Drive, Control Map 092J, Group C, Parcel 054.00</u>

Vice Chairman Oglesby asked the Chairman if a variance was necessary since the Board has determined that the Dunkin' Donuts is in compliance since they have agreed to remove the "DD" portion of the cup design. Chairman Leonard stated that a motion was necessary to ensure that the proposal is modified as discussed.

MOTION: made by Sharon Duncan, seconded by Bill Sumner, to approve the sign package as amended by removing the "DD" portion of the cup design.

VOTE: 3-0 to approve the motion.

With no further business the meeting was adjourned at 12:07 p.m.

Respectfully Submitted,

Ken Weems, AICP, Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

June 4, 2015, Called Meeting

Noon

Jimmy Walker Conference Room, 2nd floor of the Development Services Building

Members Present: Leland Leonard, Chairman Frank Oglesby, Vice-Chairman Sharon Duncan Bill Sumner Members Absent Bob Winstead Jr.

Staff Present: Ken Weems, AICP Alison Harrison

Visitors: Josh Donihe Sabra Donihe Timothy Scott

Chairman Leonard called the meeting to order.

Chairman Leonard explained the meeting procedures.

Chairman Leonard asked Ms. Alison Harrison to conduct the swearing ceremony for the attendees wishing to speak during the meeting. Ms. Harrison swore in Mr. Josh Donihe, Ms. Sabra Donihe, and Mr. Timothy Scott.

<u>Case: 15-701-00003 – Property located at 2638 Halifax Drive, Control Map 045H, Group D, Parcel 061.00</u> requests a 5.7 foot front yard variance to Sec 114-183e(1)c. The code requires a front yard of 30 feet. The property is zoned R-1B, Residential District.

Mr. Timothy Scott presented the case to the board. Mr. Scott stated that the need for the variance arose from a survey generated due to a sale of property. The survey shows a 5.7' front yard encroachment. Mr. Scott stated that the problem arose from the street not being in the correct place. Ms. Donihe stated that both she and her husband believed the home, which is currently under construction, was well past the required 30 foot front yard based upon their measurements. Ms. Donihe stated that the problem arose from a misunderstanding with the property surveyor. Mr. Scott added that the rear of the property contains an extreme slope that would put severe limitations on the home being built any further towards the rear of the subject lot. Chairman Leonard noted that if a variance is to be granted, that it should be in accordance with the associated plat, whereas the variance would pertain strictly to the covered front porch and the front right corner of the home. Vice-Chairman Oglesby noted that if one was to view the partially constructed home, that it appears to be either in-line with or even behind the adjacent existing home. Bill Sumner acknowledged the steep grade at the rear of the property as well as the unusual alignment of Halifax Drive as it pertains to the lot in question.

Chairman Leonard then closed the hearing.

Adjudication of Case:

<u>Case: 15-701-00003 - Property located at 2638 Halifax Drive, Control Map 045H, Group D, Parcel 061.00</u>

Vice-Chairman Oglesby defined the associated hardship as extreme topography in the rear of the lot and a unique road location along Halifax Drive that affects the lot.

MOTION: made by Frank Oglesby, seconded by Sharon Duncan, to grant the front yard variance as requested based upon steep sloping topography at the rear of the lot and unique road alignment of Halifax Drive. The variance is to be approved based upon the survey of the lot performed by Gordan Garber, RLS., dated May 19, 2015.

VOTE: 3-0 to approve the motion.

With no further business the meeting was adjourned at 12:13 p.m.

Respectfully Submitted,

Ken Weems, AICP, Zoning Administrator